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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,321	03/04/2002	Rolf Wehrmann	Mo6978/LeA 33,682	5494
34947	7590	03/01/2004	EXAMINER	
BAYER CHEMICALS CORPORATION PATENT DEPARTMENT 100 BAYER ROAD PITTSBURGH, PA 15205-9741			STULTZ, JESSICA T	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,321

Applicant(s)

WEHRMANN ET AL.

Examiner

Jessica T Stultz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-12 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Broer et al.

Regarding claims 1, Broer et al discloses a layer arrangement comprising: at least one transparent substrate having an electrically conductive layer (Sections 78, 157-158 and 258-259, wherein the transparent substrate is “2”, which is transparent when the laminate is transmissive and the electrically conductive layer is bottom electrodes “8a”, Figure 7b), an electro-optically active layer (Sections 81 and 157-159, wherein the electro-optically active layer is liquid crystal layer “4”, Figure 7b), an additional substrate having an electrically conductive layer (Sections 165-170 and 259-260, wherein the additional substrate is intermediate layer “14” and the electrically conductive layer comprises conductive electrodes “8b” and auxiliary electrodes “8c”, Figure 7b), wherein at least one of the two electrically conductive substrates is coated with an organic conductive polymer system based on polythiophenes (Sections 159-162, wherein the conductive electrodes “8c” are coated with an organic conductive polymer system based on polythiophenes, wherein the layer is electrode layer “8b”, Figure 7b).

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Regarding claim 2, Broer et al further discloses that the electrically conductive layer on the substrate comprises a metal oxide (Section 259, wherein the electrically conductive layer “8a” is disclosed as being ITO, indium tin oxide, Figure 7b).

Regarding claim 3, it is inherent from Broer et al that the metal oxide is doped, this being reasonably based upon the fact that tin is doped onto indium oxide to make indium tin oxide (ITO).

Regarding claim 6, Broer et al further discloses that the transparent substrate comprises glass (Section 259, wherein the substrate “2” is disclosed as a glass substrate).

Regarding claim 7, Broer et al further discloses that the transparent substrate is made of plastic, wherein the plastic is polyimide (Sections 259, wherein the bottom substrate “2” is coated with a plastic alignment layer “12”, specifically polyimide).

Regarding claim 8, Broer et al further discloses that both at least one of the substrates is plastic (Sections 259, wherein the bottom substrate “2” is coated with a plastic alignment layer “12”).

Regarding claim 9, Broer et al further discloses that the substrate is made of plastic, wherein the plastic is polyimide (Sections 259, wherein the bottom substrate “2” is coated with a plastic alignment layer “12”, specifically polyimide).

Regarding claim 10, Broer et al further discloses that the plastic substrate is provided with a scratch-resistant (Section 222, wherein the laminate has an additional scratch-resistant layer).

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Regarding claim 11, Broer et al further discloses that the electro-optically active layer is a liquid-crystal layer (Sections 81 and 157-159, wherein the electro-optically active layer is liquid crystal layer "4", Figure 7b).

Regarding claim 12, Broer et al further discloses that the arrangement is encapsulated (Section 155, wherein the laminate is sandwiched together and therefore encapsulated into a layer arrangement).

Allowable Subject Matter

Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowable subject matter: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding claims 5 and 13, none of the prior art alone or in combination disclose or teach of a layer arrangement as disclosed above specifically wherein the organic conductive polymer system is a cationically charged polythiophene with the claimed structural units.

Response to Arguments

Applicant's arguments see Response, filed December 9, 2003, with respect to the rejection(s) of claim(s) 1-12 under 112, 102, and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Broer et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Calvert et al is being cited as having some similar structure to the claimed invention.

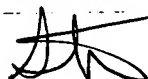
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
February 5, 2004



JORDAN SCHWARTZ
PRIMARY EXAMINER